

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO *ex rel.*  
State Engineer,

Plaintiff,  
v.

RAMON ARAGON, *et al.*,

Defendants.

69cv07941 BB-ACE

RIO CHAMA STREAM SYSTEM  
Rio Gallina, Section 5

**Subfile No(s).**

**CHGA-003-0003A**

**CHGA-003-0003B**

**CHGA-003-0003C**

**CHGA-003-0003D**

**CHGA-003-0004A**

**CHGA-003-0004B**

**CHGA-003-0005**

**SUBFILE ORDER**

The Court, having set aside the Special Master's Report and Recommendations on Disputed Subfiles (Doc. No. 7259, filed September 30, 2003) by the Memorandum Opinion and Order filed February 9, 2004 (Doc. No. 7404), and being fully advised in the premises, now Finds:

1. The Court has jurisdiction over the State of New Mexico *ex rel.* State Engineer, Defendant **FAYE DAVIS** and the subject matter of this suit.
2. There is no just reason for delay for the entry of a final judgment as to the elements of the claims of the Defendant adjudicated by this order.
3. The right of the Defendant to divert and use the public waters from the Rio Chama Stream System, Rio Gallina, Section 5, is set forth below:

7622

FAYE DAVIS

**Subfile No.: CHGA-003-0003A**

**A. IRRIGATION (Surface Water Only)**

**Office of the State Engineer Files No(s)** NONE

**Priority:** Reserved for future determination by court order entered July 25, 2000.

**Source of Water:** Surface water of the Rio Gallina, a tributary of the Rio Chama.

**Purpose of Use:** IRRIGATION

**Point of Diversion:**

Location: X= 1,460,847 Y= 1,899,475

**Ditch:** Placitas Ditch

**Location:** X= 1,460,847 feet Y= 1,899,475 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

**Location and Amount of Irrigated Acreage:**

Section 09, Township 23N, Range 01E, N.M.P.M.

Pt. SW¼	3.1 acres
---------	-----------

Total	3.1 acres
-------	-----------

As shown on the attached revised Hydrographic Survey Map for Subfile No.: CHGA-003-0003A

**Amount of Water:** Reserved for future determination by court order entered July 25, 2000.

FAYE DAVIS

**Subfile No.: CHGA-003-0003B**

**A. IRRIGATION (Surface Water Only)**

**Office of the State Engineer Files No(s)** NONE

**Priority:** Reserved for future determination by court order entered July 25, 2000.

**Source of Water:** Surface water of the Rio Gallina, a tributary of the Rio Chama.

**Purpose of Use:** IRRIGATION

**Point of Diversion:**

Location: X= 1,460,847 Y= 1,899,475

**Ditch:** Placitas Ditch

**Location:** X= 1,460,847 feet Y= 1,899,475 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

**Location and Amount of Irrigated Acreage:**

Section 09, Township 23N, Range 01E, N.M.P.M.

Pt. NW¼	9.6 acres
---------	-----------

Pt. SW¼	16.7 acres
---------	------------

Total	26.3 acres
-------	------------

As shown on the attached revised Hydrographic Survey Map for Subfile No.: CHGA-003-0003B

**Amount of Water:** Reserved for future determination by court order entered July 25, 2000.

**FAYE DAVIS**

**Subfile No.: CHGA-003-0003C**

**A. IRRIGATION (Surface Water Only)**

**Office of the State Engineer Files No(s)** NONE

**Priority:** Reserved for future determination by court order entered July 25, 2000.

**Source of Water:** Surface water of the Rio Gallina, a tributary of the Rio Chama.

**Purpose of Use:** IRRIGATION

**Point of Diversion:**

Location: X= 1,460,847 Y= 1,899,475

**Ditch:** Placitas Ditch

**Location:** X= 1,460,847 feet Y= 1,899,475 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

**Location and Amount of Irrigated Acreage:**

Section 9, Township 23N, Range 01E, N.M.P.M.

Pt. SW $\frac{1}{4}$  3.1 acres

Total 3.1 acres

As shown on the attached revised Hydrographic Survey Map for Subfile No.: CHGA-003-0003C

**Amount of Water:** Reserved for future determination by court order entered July 25, 2000.

FAYE DAVIS

Subfile No.: CHGA-003-0003D

A. IRRIGATION (Surface Water Only)

**Office of the State Engineer Files No(s)** NONE

**Priority:** Reserved for future determination by court order entered July 25, 2000.

**Source of Water:** Surface water of the Rio Gallina, a tributary of the Rio Chama.

**Purpose of Use:** IRRIGATION

**Point of Diversion:**

Location: X= 1,460,847 Y= 1,899,475

**Ditch:** Placitas Ditch

**Location:** X= 1,460,847 feet Y= 1,899,475 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

**Location and Amount of Irrigated Acreage:**

Section 09, Township 23N, Range 01E, N.M.P.M.

Pt. SW $\frac{1}{4}$	3.2 acres
----------------------	-----------

Total	3.2 acres
-------	-----------

As shown on the attached revised Hydrographic Survey Map for Subfile No.: CHGA-003-0003D

**Amount of Water:** Reserved for future determination by court order entered July 25, 2000.

FAYE DAVIS

Subfile No.: CHGA-003-0004A

**A. IRRIGATION (Surface Water Only)**

**Office of the State Engineer Files No(s)** NONE

**Priority:** Reserved for future determination by court order entered July 25, 2000.

**Source of Water:** Surface water of the Rio Gallina, a tributary of the Rio Chama.

**Purpose of Use:** IRRIGATION

**Point of Diversion:**

Location: X= 1,460,847 Y= 1,899,475

**Ditch:** Placitas Ditch

**Location:** X= 1,460,847 feet Y= 1,899,475 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

**Location and Amount of Irrigated Acreage:**

Section 09, Township 23N, Range 01E, N.M.P.M.

Pt. SW¼	3.5 acres
---------	-----------

Total	3.5 acres
-------	-----------

As shown on the attached revised Hydrographic Survey Map for Subfile No.: CHGA-003-0004A

**Amount of Water:** Reserved for future determination by court order entered July 25, 2000.

FAYE DAVIS

**Subfile No.: CHGA-003-0004B**

**A. IRRIGATION (Surface Water Only)**

**Office of the State Engineer Files No(s)** NONE

**Priority:** Reserved for future determination by court order entered July 25, 2000.

**Source of Water:** Surface water of the Rio Gallina, a tributary of the Rio Chama.

**Purpose of Use:** IRRIGATION

**Point of Diversion:**

Location: X= 1,460,847 Y= 1,899,475

**Ditch:** Placitas Ditch

**Location:** X= 1,460,847 feet Y= 1,899,475 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

**Location and Amount of Irrigated Acreage:**

Section 09, Township 23N, Range 01E, N.M.P.M.

Pt. SW $\frac{1}{4}$	1.9 acres
Total	1.9 acres

As shown on the attached revised Hydrographic Survey Map for Subfile No.: CHGA-003-0004B

**Amount of Water:** Reserved for future determination by court order entered July 25, 2000.

FAYE DAVIS

Subfile No.: CHGA-003-0005

**A. IRRIGATION (Surface Water Only)**

**Office of the State Engineer Files No(s)** NONE

**Priority:** Reserved for future determination by court order entered July 25, 2000.

**Source of Water:** Surface water of the Rio Gallina, a tributary of the Rio Chama.

**Purpose of Use:** IRRIGATION

**Point of Diversion:**

Location: X= 1,460,847 Y= 1,899,475

**Ditch:** Placitas Ditch

**Location:** X= 1,460,847 feet Y= 1,899,475 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

**Location and Amount of Irrigated Acreage:**

Section 09, Township 23N, Range 01E, N.M.P.M.

Pt. SW¼	3.5 acres
Total	3.5 acres

As shown on the attached revised Hydrographic Survey Map for Subfile No.: CHGA-003-0005


**Amount of Water:** Reserved for future determination by court order entered July 25, 2000.

4. Defendant has no surface water rights in the Rio Chama Stream System, Rio Gallina, Section 5, other than those set forth in this order and those other orders entered by this Court in this cause.
5. Defendant, her successors, representatives, heirs and assigns, should be enjoined from any use of the surface waters of the Rio Chama Stream System, Rio Gallina, Section 5, except in strict accordance with the water rights described herein.
6. The water rights described herein are adjudicated subject to the right of any other water rights claimant with standing to object prior to the entry of a final decree.




IT IS THEREFORE ORDERED that the right of the Defendant to divert and use the waters of the Rio Chama Stream System, Rio Gallina, Section 5, is as set forth herein. The Defendant, her successors, representatives, heirs and assigns, are enjoined from any diversion or use of the public surface waters of the Rio Chama Stream System, Rio Gallina, Section 5, except in strict accordance with the rights set forth herein or in other orders of the Court.

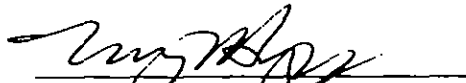
IT IS FURTHER ORDERED that the Court enters this Subfile Order as a final judgment as to the elements of the Defendant's water rights set forth herein, subject to the right of other claimants to file objections to individual adjudication orders, and to the entry of the final decree in this proceeding.

  
BRUCE D. BLACK  
UNITED STATES DISTRICT JUDGE

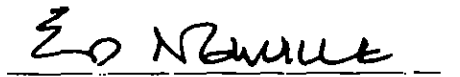
Approved:

  
VICKIE L. GABIN  
SPECIAL MASTER

Approved and accepted:







  
MARY E. HUMPHREY  
Attorney for Defendants

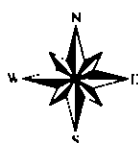
Approved as to form only:

  
EDWARD G. NEWVILLE  
Special Assistant Attorney General



# LEGEND

-  Irrigated Tract Boundary
-  Pond
-  Operable Ditch
-  Inoperable Ditch
-  Point of Diversion
-  Fallow



1 inch = 300 feet

0 75 150 300  
Feet

STATE OF NEW MEXICO  
Office of the State Engineer  
John R. D'Antonio, Jr., P.E., State Engineer

Rio Chama Hydrographic Survey  
RIO GALLINA SECTION







Subfile Number  
CHGA 003-0003A

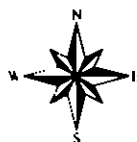
Placitas Ditch  
AMENDED  
August 18, 2004



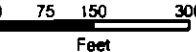


**LEGEND**

-  Irrigated Tract Boundary
-  Pond
-  Operable Ditch
-  Inoperable Ditch
-  Point of Diversion
-  Fallow



1 inch = 300 feet



Feet

STATE OF NEW MEXICO  
Office of the State Engineer  
John R. D'Antonio, Jr., P.E., State Engineer

Rio Chama Hydrographic Survey  
RIO GALLINA SECTION







**Subfile Number**  
**CHGA 003-0003B**

Placitas Ditch  
AMENDED  
August 18, 2004



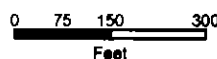


# LEGEND

-  Irrigated Tract Boundary
-  Pond
-  Operable Ditch
-  Inoperable Ditch
-  Point of Diversion
-  Fallow



1 inch = 300 feet



STATE OF NEW MEXICO  
Office of the State Engineer  
John R. D'Antonio, Jr., P.E., State Engineer

Rio Chama Hydrographic Survey  
RIO GALLINA SECTION







Subfile Number  
CHGA 003-0003C

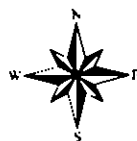
Placitas Ditch  
AMENDED  
August 18, 2004



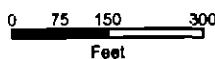


**LEGEND**

-  Irrigated Tract Boundary
-  Pond
-  Operable Ditch
-  Inoperable Ditch
-  Point of Diversion
-  Fallow



1 inch = 300 feet



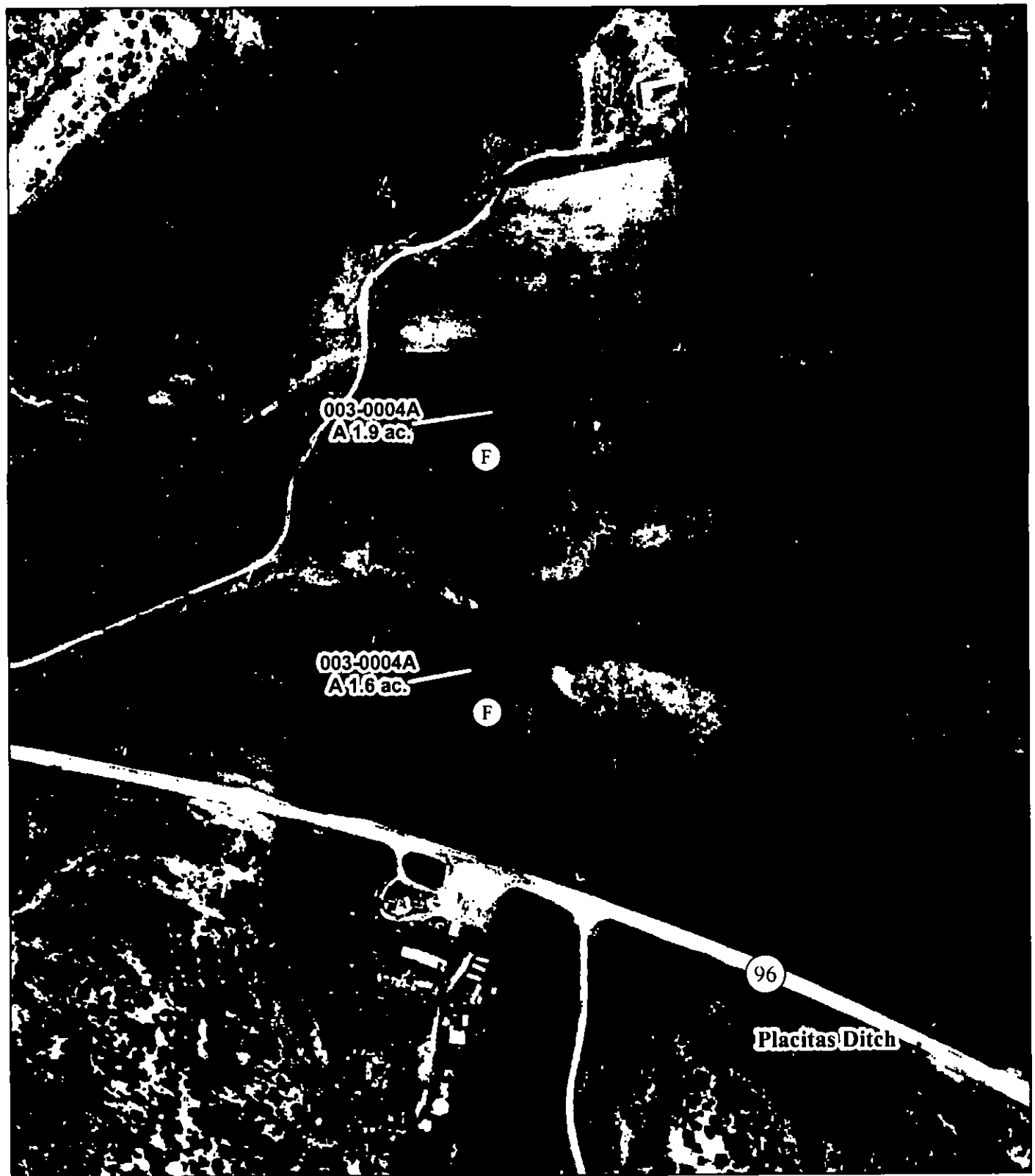
STATE OF NEW MEXICO  
Office of the State Engineer  
John R. D'Antonio, Jr., P.E., State Engineer

Rio Chama Hydrographic Survey  
RIO GALLINA SECTION







**Subfile Number**  
**CHGA 003-0003D**

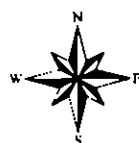
Placitas Ditch  
AMENDED  
August 18, 2004





# LEGEND

-  Irrigated Tract Boundary
-  Pond
-  Operable Ditch
-  Inoperable Ditch
-  Point of Diversion
-  Fallow



1 inch = 300 feet

0 75 150 300

Feet

STATE OF NEW MEXICO  
Office of the State Engineer  
John R. D'Antonio, Jr., P.E., State Engineer

Rio Chama Hydrographic Survey  
RIO GALLINA SECTION

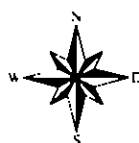
Subfile Number  
**CHGA 003-0004A**  
Placitas Ditch  
AMENDED  
August 18, 2004



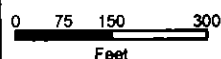


# LEGEND

- Irrigated Tract Boundary
- Pond
- Operable Ditch
- Inoperable Ditch
- Point of Diversion
- Fallow



1 inch = 300 feet



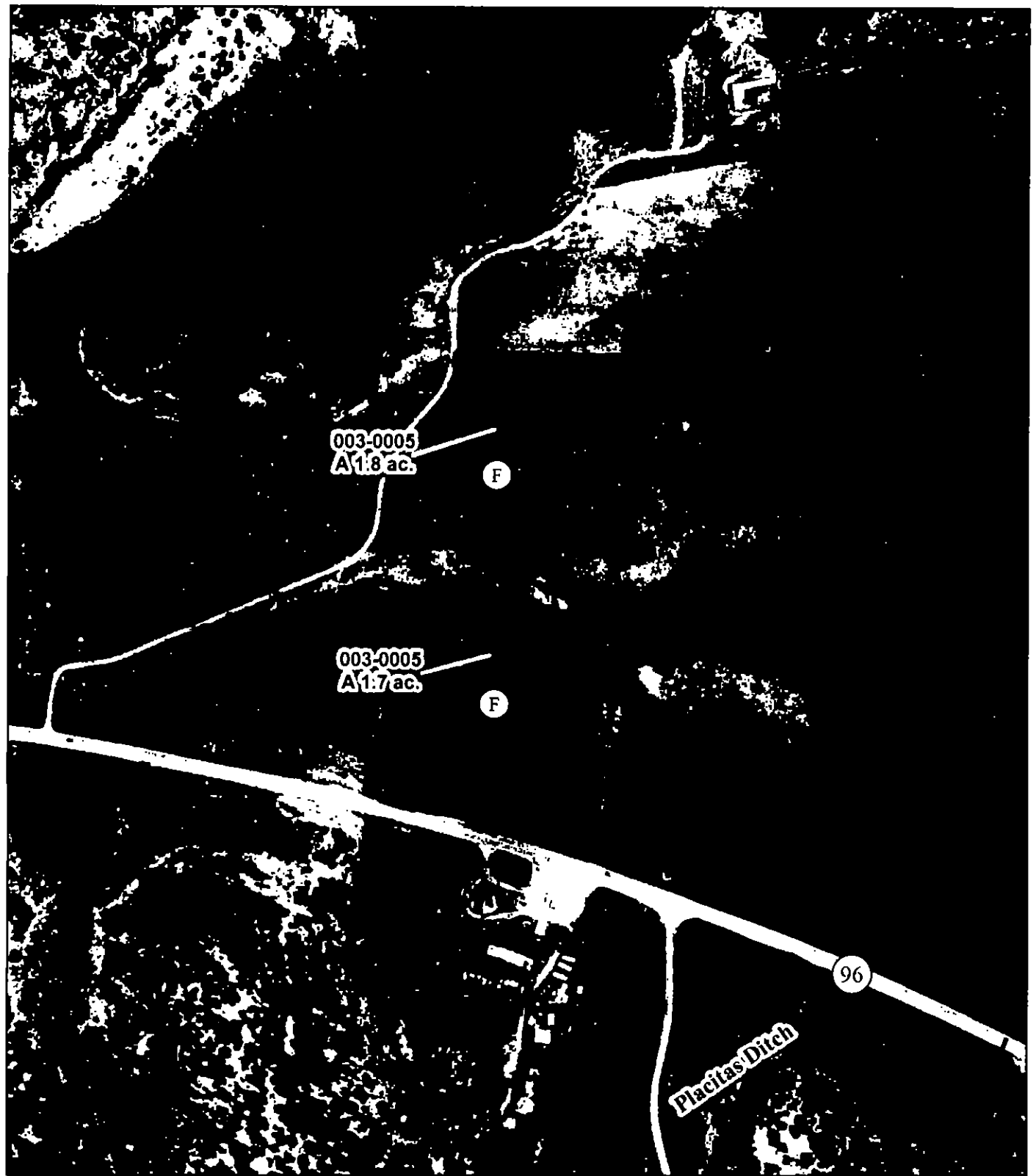
STATE OF NEW MEXICO  
Office of the State Engineer  
John R. D'Antonio, Jr., P.E., State Engineer

Rio Chama Hydrographic Survey  
RIO GALLINA SECTION

Subfile Number  
CHGA 003-0004B

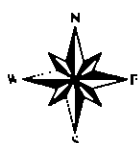
Placitas Ditch  
AMENDED  
August 18, 2004





# LEGEND

- Irrigated Tract Boundary
- Pond
- Operable Ditch
- Inoperable Ditch
- Point of Diversion
- Fallow



1 inch = 300 feet



STATE OF NEW MEXICO  
Office of the State Engineer  
John R. D'Antonio, Jr., P.E., State Engineer

Rio Chama Hydrographic Survey  
RIO GALLINA SECTION

Subfile Number  
CHGA 003-0005

Placitas Ditch  
AMENDED  
August 18, 2004

